

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES OSBORNE,  
Plaintiff,  
v.  
STEVEN JEWITT, et al.,  
Defendant

CASE NO. C10-5431RBL/JRC  
ORDER ON PENDING MOTIONS

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and(B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4.

Five motions are before the court. This order addresses Plaintiff's four motions (Dkt. #20, #21-22, #28, and #29). Defendants' motion to dismiss and stay discovery (Dkt. #23) will be addressed in a subsequent order, after briefing has been completed as set forth below.

1 Plaintiff has filed a motion to stay the case (Dkt. # 20). Plaintiff argues that he  
has not had access to a contract lawyer for the facility, which as he admits, is

1 representing the interests of the defendants. (Dkt. #20, page 3.) Plaintiff has  
2 failed to present good cause for a stay. That motion is DENIED.

3 2. Plaintiff also files a motion asking the court to enter medical records as evidence  
4 (Dkt. # 21and #22). This is not the proper manner in which to enter evidence.  
5 The records must be attached to a motion or response to a motion. Neither the  
6 court, nor opposing counsel, can determine if the records are admissible unless  
7 they are submitted in accordance with the Fed. R. of Civ. P. and the Fed. R. of  
8 Evid. The motion is DENIED WITHOUT PREJUDICE.  
9

10 3. Plaintiff's next motion is a second motion for appointment of counsel (Dkt.# 28).  
11 The motion is DENIED for the same reasons as set forth in its previous order on  
12 this issue. (Dkt. # 27).

13 4. Defendants have filed a motion to dismiss and stay discovery ( Dkt. #23).  
14 Plaintiff's final motion is a request for a six-month extension of time to respond to  
15 these motions (Dkt. # 29). After filing that motion, on October 13, 2010, plaintiff  
16 filed a response to defendant's motions. Plaintiff has not demonstrated good  
17 cause for such an additional extension. Therefore, a further extension of time is  
18 not in order. The motion is GRANTED only as to the response already on file  
19 and in all other respects is DENIED. Given that the response was late, defendants  
20 will have until November 5, 2010 to file a reply. The motion to dismiss and stay  
21 discovery, (Dkt. # 23), is re-set for November 5, 2010.  
22  
23

24 DATED this 25<sup>th</sup> day of October, 2010.

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26 

J. Richard Creatura  
United States Magistrate Judge